

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE, WSBN 32245  
Associate General Counsel  
Office of Program Litigation, Office 7  
Social Security Administration  
ELLINOR CODER, CA 258258  
Special Assistant United States Attorney  
6401 Security Boulevard  
Baltimore, Maryland 21235  
Telephone: (510) 970-4814  
E-Mail: Ellinor.Coder@ssa.gov  
Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JUANITA ELIZABETH HERNANDEZ,	)	Case No.: 1:22-cv-00859-SKO
	)	
Plaintiff,	)	STIPULATION AND UNOPPOSED
	)	MOTION FOR THE AWARD AND
vs.	)	PAYMENT OF ATTORNEY FEES AND
KILOLO KIJAKAZI,	)	EXPENSES PURSUANT TO THE EQUAL
Acting Commissioner of Social Security,	)	ACCESS TO JUSTICE ACT, 28 U.S.C.
	)	§ 2412(d), AND COSTS PURSUANT TO 28
	)	U.S.C. § 1920; ORDER
Defendant.	)	
	)	(Doc. 23)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount \$6,249.63 (SIX THOUSAND TWO HUNDRED FORTY-NINE dollars and SIXTY-THREE cents) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor any assignment

1 will depend on whether the fees are subject to any offset allowed under the United States  
2 Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the  
3 government will determine whether they are subject to any offset.

4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
5 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,  
6 expenses and costs to be made directly to counsel, pursuant to the assignment executed by  
7 Plaintiff. Any payments made shall be delivered to Counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
9 attorney fees, and does not constitute an admission of liability on the part of Defendant under the  
10 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and  
11 bar to, any and all claims that Plaintiff and/or counsel including counsel's firm may have relating  
12 to EAJA attorney fees or costs in connection with this action.

13 This award is without prejudice to the rights of counsel and/or counsel's firm to seek  
14 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
15 provisions of the EAJA.

16 Respectfully submitted,

17 Date: August 9, 2023

/s/ Jonathan Pena\*

PLAINTIFF'S COUNSEL

(as authorized by email on Aug. 9, 2023)

Attorney for Plaintiff

20 Date: August 9, 2023

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Social Security Administration

/s/ Ellinor Coder

ELLINOR CODER

Special Assistant United States Attorney

Social Security Administration

Attorney for Defendant

**ORDER**

Based upon the parties' Stipulation and Unopposed Motion for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses (Doc. 23), **IT IS ORDERED** that fees and expenses in the amount of \$6,249.63 as authorized by 28 U.S.C. § 2412, and NO costs as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: **August 10, 2023**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE